

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-004-0023

MOTION FOR SUBSTITUTION OF PARTIES
AND TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and pursuant to Fed. R. Civ. P. 25(a)(1) moves the Court to substitute TITO JARAMILLO for defendant ESTATE OF LUPITA VALERIO JARAMILLO in these proceedings, and to set aside the default entered with respect to the Estate of Lupita Valerio Jaramillo entered on April 30, 2007 (Doc. No. 8635), and as grounds therefore Plaintiff states as follows:

1. Tito Jaramillo, sole heir of Lupita Valerio Jaramillo, recently contacted the State with respect to the land and water rights under subfile CHRB-004-0023. Title to the property is now in his name, and he has signed and approved the State's proposed Consent Order in this subfile and delivered the approved order to the State.

WHEREFORE the State of New Mexico requests the Court to enter its order that substitutes Tito Jaramillo for the Estate of Lupita Valerio Jaramillo in these proceedings, and sets aside the default entered on April 30, 2007, with respect to the Estate of Lupita Valerio Jaramillo.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of June, 2007 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Tito Jaramillo
P.O. Box 245
Tierra Amarilla, NM 87575

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19 day of February, 2007 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Estate of Maria Casias
c/o Amarante Casias
P.O. Box 84
Tierra Amarilla, NM 87575